

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KEVIN MILTON,  
  
Plaintiff,

v.

CLINTON COUNTY  
CORRECTIONAL FACILITY, *et al.*,  
  
Defendants.

No. 4:21-CV-01479  
  
(Chief Judge Brann)

**ORDER**

**AND NOW**, this 19<sup>th</sup> day of July 2022, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. The motion (Doc. 31) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) by defendants Hoover, Ross, Ruch, and Rausch is **GRANTED** to the extent that all federal and state-law claims against these Defendants are **DISMISSED** without prejudice.
2. The motion (Doc. 74) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) by defendant Munro is **GRANTED** to the extent that all federal and state-law claims against Munro are **DISMISSED** without prejudice.
3. The motion (Doc. 69) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) by defendants Houdeshell and Angle is **GRANTED** in part and **DENIED** in part, as follows:
  - a. Defendants' motion is **GRANTED** as to Milton's Fourteenth Amendment claims of failure to protect and inadequate medical care, as well as Milton's state-law claim of civil conspiracy. Said claims against Houdeshell and Angle are **DISMISSED** without prejudice.

- b. Defendants' motion is **DENIED** as to Milton's Fourteenth Amendment claim of unconstitutional conditions of confinement and First Amendment claim of retaliation.
- 4. Milton's federal and state-law claims against defendant Laniar are **DISMISSED** without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim on which relief may be granted.
- 5. Milton's motion to amend (Doc. 84) is **GRANTED** only to the extent that Milton may, if desired, file a second amended complaint in conformity with the accompanying Memorandum within **21 days** of the date of this Order, or on or before **August 9, 2022**.
- 6. If no second amended complaint is timely filed, this case will proceed on the following Section 1983 claims: Fourteenth Amendment conditions of confinement and First Amendment retaliation against defendants Houdeshell and Angle only.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

Chief United States District Judge